THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11775 OF 2006

DATED:13-07-2006

BETWEEN

Akkenaguntla Sreenivasa Murthy and others.

… Petitioners

and

The District Collector, Government of A.P., Kadapa, Kadapa District.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11775 OF 2006

ORDER:

The petitioners were assigned agricultural lands situated in Choudarivaripalli of Brahmamgari Matam Mandal, Kadapa District, in the year 1995. They are allegedly cultivating the lands and are in possession. They allege that in May, 2006, the third respondent sent Mandal Revenue Inspector, who instructed the petitioners to stop digging the borewells. Therefore, the petitioners alleged that they are being dispossessed from their lands without due process of law.

When the matter was heard at the preliminary stage on 15.06.2006 and 06.07.2006, learned Assistant Government Pleader for Revenue (General) submits that the petitioners are not staying in the village and that they are not cultivating the lands. He also submitted that Mandal Revenue Officer has not initiated any action under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 for resumption of the lands and that the writ petition is filed on mere apprehension. This was denied by the learned counsel for the petitioners. Therefore, the matter was adjourned to enable the learned Assistant Government Pleader to file counter affidavit.

Counter affidavit is filed by the third respondent today. It is alleged in the counter affidavit as under (paras 4 and 5).

> It is further respectfully submitted that there is no record to show that the petitioners have cultivated the lands since the date of assignments. In the recent verification of the assigned land by the District Collector, Kadapa, it is come to

the notice that the assigned lands, which are assigned to the petitioners are kept fallow by violating the condition of the DKT patta Rules. As per the conditions mentioned in the Patta certificate the petitioners have to bring the land under cultivation within 3 years from the date of assignments. Personally, the assignees have to cultivate the land. It is revealed that the petitioners have violated the conditions mentioned in the assignment patta.

It is respectfully submitted that so far the respondents have not initiated any action against the petitioners. The above writ petition is filed without any cause of action. Hence, the writ petition is not maintainable. As and when the respondents initiate action against the petitioners under Assignment Act, the respondents are bound to follow due process of law as contemplated under the Act 9/1977. The above writ petition is filed on apprehension and without any cause of action.

As the petitioners have filed the writ petition making all false allegations, the writ petition cannot be maintained. The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

13.07.2006
pln